

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, MAY 18, 2004**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Commissioners Absent: Ray Stevens, Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 11, 2004.**

**MOTION:** Workman moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated May 11, 2004. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, May 18, 2004.**

**MOTION:** Heier moved and Workman seconded approval of all claims processed through May 18, 2004. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

Board consensus to move New Business 6A forward.

**NEW BUSINESS ITEM 6A:**

**Appointment of Ed Woepfel to the Lancaster County Board of Zoning Appeals to complete the unexpired term of Stan Matzke, ending March 31, 2008.**

Ed Woepfel appeared and gave a brief overview of his experience.

**MOTION:** Workman moved and Heier seconded approval of the appointment of Ed Woepfel to the Lancaster County Board of Zoning Appeals to complete the unexpired term of Stan Matzke, ending March 31, 2008. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

**A. Continuation of a public hearing regarding an application for Corporate Manager for Orville A. Gertsch in connection with an application for a Class Y (Farm Winery) liquor license for Prime Country Winery L.L.C., located at 11800 Southwest 142<sup>nd</sup> Street, Denton, Lancaster County, Nebraska. (See New Business Item 6B for resolution.)**

Hudkins reconvened the public hearing and asked if anyone wished to testify.

No one appeared and the hearing was closed.

**B. An application for an amusement license from Fosters Tap Inc., located at 24049 South 12<sup>th</sup> Street, Princeton, Lancaster County, Nebraska to hold a street dance on Saturday, May 22, 2004 from 8 p.m. to 1 a.m..**

Hudkins opened the public hearing and asked if anyone wished to testify.

Joleen Killham, applicant, appeared.

The Clerk administered the oath to Dan Killham, applicant.

4) **PUBLIC HEARINGS CONTINUED:**

Mrs. Killham gave a brief overview of the following documentation which was submitted into the record (Exhibit 1):

- ▶ Signatures and comments from 11 out of 13 homeowners in Princeton, Nebraska regarding the street dance.
- ▶ Parking proposal
- ▶ Letter of from Deputy State Fire Marshal, dated May 17, 2004.

Hudkins asked if two off-duty deputies had been hired.

The Clerk administered the oath to Bill Jarrett, Chief Deputy County Sheriff.

Jarrett informed the County Board that no deputies had signed up for the event, noting that it is often difficult to get deputies to sign up for a non-community sponsored event due to safety issues.

In response to a question asked by Hudkins regarding alternatives, Jarrett suggested hiring private security.

General discussion followed regarding the hiring of off-duty sheriffs, parking monitor(s) and trash removal.

In response to a question asked by Jarrett regarding staff drinking during the event, the Killhams responded that no staff/security would be allowed to drink.

Hudkins asked if anyone else wished to testify.

No one appeared and the hearing was closed.

**MOTION:** Schorr moved and Heier seconded approval of an application for an amusement license from Fosters Tap Inc., located at 24049 South 12<sup>th</sup> Street, Princeton, Lancaster County, Nebraska to hold a street dance on Saturday, May 22, 2004 from 8 p.m. to 1 a.m.. Hudkins, Heier and Schorr voted aye. Workman voted no. Motion carried.

5) **OLD BUSINESS:**

**A. A resolution in the matter of Comprehensive Plan Amendment 03007, requested by the Lancaster County Board of Commissioners, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan, to remove reference to determination of County impact fees. (R-04-0043)**

**MOTION:** Schorr moved and Workman seconded approval of Resolution 04-0043 in the matter of Comprehensive Plan Amendment 03007, requested by the Lancaster County Board of Commissioners, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan, to remove reference to determination of County impact fees. Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

**B. A resolution in the matter of County Change of Zone 04020, requested by Kenneth Morrow, from AG Agricultural to AGR Agricultural Residential on property generally located at Northwest 105<sup>th</sup> Street and West Fletcher Avenue in Lancaster County, Nebraska. (R-04-0042)**

**MOTION:** Workman moved and Heier seconded approval of Resolution 04-0042 denying County Change of Zone 04020, requested by Kenneth Morrow, from AG Agricultural to AGR Agricultural Residential on property generally located at Northwest 105<sup>th</sup> Street and West Fletcher Avenue in Lancaster County, Nebraska. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

6) **NEW BUSINESS:**

**A. Appointment of Ed Woeppel to the Lancaster County Board of Zoning Appeals to complete the unexpired term of Stan Matzke, ending March 31, 2008.**

This item was moved forward on the agenda.

**B. A resolution in the matter an application for Corporate Manager for Orville A. Gertsch in connection with an application for a Class Y (Farm Winery) liquor license for Prime Country Winery L.L.C., located at 11800 Southwest 142<sup>nd</sup> Street, Denton, Lancaster County, Nebraska. (R-04-0047)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Workman seconded approval of Resolution 04-0047 in the matter an application for Corporate Manager for Orville A. Gertsch in connection with an application for a Class Y (Farm Winery) liquor license for Prime Country Winery L.L.C., located at 11800 Southwest 142<sup>nd</sup> Street, Denton, Lancaster County, Nebraska. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

**C. An agreement, in the amount of \$303,800, with Murphy Tractor and Equipment Company Inc. for two motor graders complete with trade-in allowance and mounting of V-snow plows for the County Engineer. Murphy Tractor will pay all costs of parts and labor in excess of \$4,800 per unit during the next seven years and the guaranteed repurchase of \$80,000 per motor grader after seven years. (C-04-0218)**

**MOTION:** Heier moved and Schorr seconded approval of an agreement, in the amount of \$303,800, with Murphy Tractor and Equipment Company Inc. for two motor graders complete with trade-in allowance and mounting of V-snow plows for the County Engineer. Heier, Hudkins, Schorr and Workman voted aye. Motion carried.

**D. An agreement with BryanLGH Medical Center to exchange parking bays with the County at the hospital facility located at 1600 South 48<sup>th</sup> Street, Lincoln, Nebraska. Term of the agreement will be from May 17, 2004 through and including July 31, 2005. (C-04-0219)**

Kristy Mundt, Deputy County Attorney, referred to paragraph seven on page two of the agreement noting a change had been made. She stated the original agreement indicated there would be a pedestrian crossing across/around parking bay "B", however, that is no longer feasible due to construction in the area. Mundt read the amended language into the record: "BryanLGH will maintain adequate and safe ingress and egress to the Community Mental Health Center. Such safety improvements shall be agreed upon by the County before construction commences."

**MOTION:** Heier moved and Schorr seconded approval of an agreement with BryanLGH Medical Center with the changes as recommended by the County Attorney's Office. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

**E. An amendment to an agreement with the law firm of Orton, Thomas & O'Connell under County Contract C-02-0563 for legal representation to indigent parties in proceedings in the Juvenile Court of Lancaster County. The contractor has changed the name of her law firm and as a result the parties wish to amend the agreement to reflect such change. (C-04-0220)**

**MOTION:** Heier moved and Workman seconded approval of an amendment to an agreement with the law firm of Orton, Thomas & O'Connell under County Contract C-02-0563 for legal representation to indigent parties in proceedings in the Juvenile Court of Lancaster County. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

**F. A recommendation from the Purchasing Agent and the Unit Price Review Committee to ratify contracts with Bob & Don's Plumbing for plumbing services for the listed unit price building and service trades for the City, County and Public Building Commission in relation to small emergency and routine maintenance and repair of facilities (under \$25,000), beginning May 1, 2004 through April 30, 2005. (C-04-0221)**

**MOTION:** Heier moved and Schorr seconded approval of the a recommendation from the Purchasing Agent and the Unit Price Review Committee to ratify contracts with Bob & Don's Plumbing for plumbing services for the listed unit price building and service trades for the City, County and Public Building Commission in relation to small emergency and routine maintenance and repair of facilities (under \$25,000), beginning May 1, 2004 through April 30, 2005. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

**G. A recommendation from the Purchasing Agent and the Unit Price Review Committee to ratify a contract with John Henry's Plumbing, Heating & Air Conditioning for plumbing services for the listed unit price building and service trades for the City, County and Public Building Commission in relation to small emergency and routine maintenance and repair of facilities (under \$25,000), beginning May 1, 2004 through April 30, 2005. (C-04-0222)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Workman moved and Heier seconded approval of the recommendation from the Purchasing Agent and the Unit Price Review Committee to ratify a contract with John Henry's Plumbing, Heating & Air Conditioning for plumbing services for the listed unit price building and service trades for the City, County and Public Building Commission in relation to small emergency and routine maintenance and repair of facilities (under \$25,000), beginning May 1, 2004 through April 30, 2005. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

**H. A maintenance agreement with Charles S. Willnerd and Julie G. Willnerd (Developer) for road maintenance in Willnerd Acres, a new subdivision located in Lancaster County, Nebraska. (C-04-0223)**

**MOTION:** Heier moved and Schorr seconded approval of a maintenance agreement with Charles S. Willnerd and Julie G. Willnerd (Developer) for road maintenance in Willnerd Acres, a new subdivision located in Lancaster County, Nebraska. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

**I. A resolution authorizing the following traffic signs: (R-04-0048)**

In Nealrene Acres Subdivision:

- ▶ Install a 25 Mile Per Hour speed limit on Ricky Road south of Weeks Drive for southbound traffic
- ▶ Install a 25 mile per hour speed limit sign on Ricky Road north of Luann Lane for northbound traffic
- ▶ Install a 25 Mile per hour speed limit sign on Weeks Drive north of Luann Lane for northbound traffic

**In addition, the existing "dirt road" sign on Bennet Road west of South 96<sup>th</sup> Street will be replaced with a "gravel ends 3/4 mile" sign for westbound traffic.**

**MOTION:** Schorr moved and Workman seconded approval of Resolution 04-0048 authorizing the installation/replacement of traffic signs. Workman, Schorr, Heier and Hudkins voted aye. Motion carried.

**J. A request from the Ponca Tribe of Nebraska for a refund of real estate taxes for 2002, in the approximate amount of \$7,074.84, and a credit for 2003, in the approximate amount of \$8,930.70.**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Workman moved and Heier seconded approval of a request from the Ponca Tribe of Nebraska for a refund of real estate taxes for 2002, in the approximate amount of \$7,074.84, and a credit for 2003, in the approximate amount of \$8,930.70. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

**K. A political subdivision tort claim filed against Lancaster County by Dennis and Kristi Flewelling for property, in the amount of \$329.99.**

**MOTION:** Schorr moved and Workman seconded approval of a political subdivision tort claim filed against Lancaster County by Dennis and Kristi Flewelling for property, in the amount of \$329.99. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

1. **County Assessor/Register of Deeds Monthly Report for April, 2004.**
2. **County Engineer's Quarterly Report for January, February and March, 2004.**
3. **County Engineer's Quarterly Report for the Geographic Information System (GIS) Division for January, February and March, 2004.**

**MOTION:** Heier moved and Workman seconded approval of the Consent Item. Workman, Schorr, Heier and Hudkins voted aye. Motion carried.

8) **ADJOURNMENT:**

**MOTION:** Heier moved and Schorr seconded adjournment of the Board of Commissioners meeting at 2:30 p.m.. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 18, 2004  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Commissioners Absent: Ray Stevens, Chair

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 11, 2004.**

**MOTION:** Schorr moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated May 11, 2004. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

**Approval of 34 additions and deductions to the tax assessment rolls per Exhibit "A".**

**MOTION:** Schorr moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Cedars Youth Services  
Sheridan Lutheran Church  
Temple Baptist Church  
Villa Marie School

**MOTION:** Workman moved and Heier seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Schorr moved and Heier seconded adjournment of the Board of Equalization at 2:34 p.m.. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

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Bruce Medcalf  
County Clerk